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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,763	03/02/2000	THOMAS KNEIDEL	C-3717	4545

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EXAMINER

LIN, KENNY S

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/486,763

Applicant(s)

KNEIDEL, THOMAS

Examiner

Kenny Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/10/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 2-8 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following claim language causes the claim indefinite:

- i. Claim 2, lines 4-6 – the users are connected to a base station that is connected to the Internet via a shortwave radio path for transmitting data according to a TCP/IP protocol (It is uncertain which is using shortwave radio path for transmitting data, is it the user connected to a base station via a shortwave radio path for transmitting data? If yes, do you mean for transmitting requests instead of transmitting data? Or is it the base station connected to the Internet via a shortwave radio path? If yes, how is the user being notified about the sent data using shortwave?).

- b. The following claim language lacks proper antecedence basis:

- i. Claim 3, line 9 - the requested data (do you mean the requesting data? If yes, please be consistent with all the terms throughout the claims).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothblatt, US 6,105,060, in view of Fortman et al (hereinafter Fortman), US 5,987,100, Shimizu et al (hereinafter Shimizu), US 3,878,333, and Spracklen, "Digital Communications Protocol in the Satellite Environment".

6. Spracklen was cited by the applicant in IDS.

7. As per claim 2, Rothblatt taught the invention substantially as claimed including a system for transmitting data to computers of requesting users over a wideband satellite transmission channel, wherein

- a. For requesting the data, the users are connected to a base station that is connected to the Internet via a radio path for transmitting data (col.3, lines 46-57, col.5, lines 19-24);
- b. The users are notified about the sent data (col.4, lines 37-44, col.5, lines 27-31, col.12, lines 55-66); and

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- c. The users can download the sent data over said wideband satellite transmission channel onto their computer (col.2, lines 7-11, col.3, lines 57-67, col.5, lines 14-31).

8. Rothblatt further taught to store user requested data (col.5, lines 19-24, 27-31). Rothblatt did not specifically teach to use shortwave radio path for transmitting data according to a TCP/IP protocol and for notifying about the sent data; and the requested data is sent to a mailbox in the Internet for the users. Fortman taught to store data in a mailbox and to notify users about the data prior to the user's access to the data (col.1, lines 4-11, col.2, lines 39-44, 48-55) and further convert the format of the data according to the user's desire format. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rothblatt and Fortman because Fortman's teaching of using universal mailbox in storing data and to notify the users of the data enhance Rothblatt's method to store user requested data in a mailbox and to convert the data according to the user's desire format (see Rothblatt col.5, lines 19-24, 27-31 and Fortman col.2, lines 39-44, 48-55). Rothblatt and Fortman did not specifically teach to use shortwave radio path for transmitting data according to a TCP/IP protocol. Shimizu taught a system to communicate using short waves (col.1, lines 3-7, col.4, lines 17-24, 37-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rothblatt, Fortman and Shimizu because Shimizu's teaching of using shortwave circuits in transmitting message enhance Rothblatt and Fortman's system to transmitting using high frequencies (see Shimizu col.11, lines 15-18, see Rothblatt col.1, lines 15-29). Rothblatt, Fortman and Shimizu did not specifically teach the shortwave radio path for

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transmitting data according to a TCP/IP protocol. However, Spracklen taught to modify satellite networks including radio networks to use TCP/IP protocol for transmission with protocol enhancement (page 1, lines 4-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rothblatt, Fortman, Shimizu and Spracklen because Spracklen's teaching of enhancing TCP/IP protocol to improve satellite network transmission using TCP/IP protocol benefits Rothblatt, Fortman and Shimizu's system with better transmission performance.

9. As per claim 8, Rothblatt, Fortman, Shimizu and Spracklen taught the invention substantially as claimed in claim 2. Rothblatt further taught that the data that is transmitted is Internet-Information (col.2, lines 7-11, 30-35, col.3, lines 52-57).

10. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothblatt, US 6,105,060, in view of Shimizu et al (hereinafter Shimizu), US 3,878,333, and applicant admitted prior art (hereinafter AAPA) stated in the application specification.

11. As per claim 3, Rothblatt taught the invention substantially as claimed including a data transmission system comprising:

- a. A plurality of user terminals for receiving and requesting data (abstract, col.2, lines 8-12, col.2, lines 22-34, col.3, lines 46-51);
- b. A base station for receiving a data request from the plurality of user terminals (col.3, lines 52-57), the base station receiving the data request by radio

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transmission according to a protocol specific for data transmission (col.3, lines 46-57, col.5, lines 19-24); and

- c. A satellite transmission path for providing the plurality of user terminals with the request data (col.3, lines 57-67, col.5, lines 14-31).

12. Rothblatt did not specifically teach that the data request is received by shortwave transmission and the shortwave transmission operates in a simplex mode of operation. Shimizu taught a system to communicate using short waves (col.1, lines 3-7, col.4, lines 17-24, 37-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rothblatt and Shimizu because Shimizu's teaching of using shortwave circuits in transmitting message enhance Rothblatt's system to transmitting using high frequencies (see Shimizu col.11, lines 15-18, see Rothblatt col.1, lines 15-29). Rothblatt and Shimizu did not specifically teach that the shortwave transmission operates in a simplex mode of operation. However, AAPA showed that shortwave radio connections are most commonly operated in simplex mode (see application specification page 2, paragraph 007, lines 3-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rothblatt, Shimizu and AAPA to operate shortwave transmission in simplex mode since it is a common operation (see application specification page 2, paragraph 007, lines 3-6).

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13. As per claim 5, Rothblatt, Shimizu and AAPA taught the invention substantially as claimed in claim 3. Rothblatt further taught that the plurality of user terminals receive and request data from the Internet (col.2, lines 7-11, 30-35, col.3, lines 52-57).

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothblatt, Shimizu and AAPA as applied to claim 3 above, and further in view of Spracklen, "Digital Communications Protocol in the Satellite Environment".

15. As per claim 4, Rothblatt, Shimizu and AAPA taught the invention substantially as claimed in claim 3. They did not specifically teach that the protocol is based on TCP/IP. Spracklen taught to modify satellite networks including radio networks to use TCP/IP protocol for transmission with protocol enhancement (page 1, lines 4-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rothblatt, Shimizu, AAPA and Spracklen because Spracklen's teaching of enhancing TCP/IP protocol to improve satellite network transmission using TCP/IP protocol benefits Rothblatt, Shimizu and AAPA's system with better transmission performance.

16. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothblatt, Shimizu and AAPA as applied to claim 3 above, and further in view of Fortman et al (hereinafter Fortman), US 5,987,100.

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17. As per claim 6, Rothblatt, Shimizu and AAPA taught the invention substantially as claimed in claim 3. Rothblatt further taught to enable users to download the request data over said wideband satellite transmission channel onto their computer (col.2, lines 7-11, col.3, lines 57-67, col.5, lines 14-31). Shimizu further taught to transmit messages using shortwave transmission (col.1, lines 3-7, col.4, lines 17-24, 37-45). They did not specifically teach the base station to transmit information to the plurality of user terminals for acknowledging that requested data is available for receipt via the satellite transmission path. Fortman taught to store data in a mailbox and to notify users that the requested data is available for receipt (col.1, lines 4-11, col.2, lines 39-44, 48-55) and further convert the format of the data according to the user's desire format. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rothblatt, Shimizu and AAPA and Fortman because Fortman's teaching of using universal mailbox in storing data and to notify the users of the data enhance Rothblatt, Shimizu and AAPA's method to store user requested data in a mailbox and to convert the data according to the user's desire format (see Rothblatt col.5, lines 19-24, 27-31 and Fortman col.2, lines 39-44, 48-55).

18. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothblatt, US 6,105,060, in view of Shimizu et al (hereinafter Shimizu), US 3,878,333, Spracklen, "Digital Communications Protocol in the Satellite Environment", and applicant admitted prior art (hereinafter AAPA) stated in the application specification.

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19. As per claim 7, Rothblatt taught a system for transmission of data to requesting users over a wideband satellite transmission channel,

Wherein, for requesting the data, the users are connected to a base station via a radio path for transmitting data (col.3, lines 46-57, col.5, lines 19-24).

20. Rothblatt did not specifically teach to use shortwave radio path for transmitting data according to a TCP/IP protocol and the shortwave radio path operates in a simplex mode of operation. Shimizu taught a system to communicate using short waves (col.1, lines 3-7, col.4, lines 17-24, 37-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rothblatt and Shimizu because Shimizu's teaching of using shortwave circuits in transmitting message enhance Rothblatt's system to transmitting using high frequencies (see Shimizu col.11, lines 15-18, see Rothblatt col.1, lines 15-29). Rothblatt and Shimizu did not specifically teach the shortwave radio path for transmitting data according to a TCP/IP protocol and that shortwave transmission operates in a simplex mode of operation. However, Spracklen taught to modify satellite networks including radio networks to use TCP/IP protocol for transmission with protocol enhancement (page 1, lines 4-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rothblatt, Shimizu and Spracklen because Spracklen's teaching of enhancing TCP/IP protocol to improve satellite network transmission using TCP/IP protocol benefits Rothblatt and Shimizu's system with better transmission performance. Rothblatt, Shimizu and Spracklen did not specifically teach that the shortwave transmission operates in a simplex mode of operation. However, AAPA showed that shortwave radio

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connections are most commonly operated in simplex mode (see application specification page 2, paragraph 007, lines 3-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rothblatt, Shimizu, Spracklen and AAPA to operate shortwave transmission in simplex mode since it is a common operation (see application specification page 2, paragraph 007, lines 3-6).

Response to Arguments

21. Applicant's arguments with respect to claims 2-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Coppinger et al, US 6,026,292.

Hawkins, US 6,119,233.

Bartholomew et al, US 6,215,858.

Danne et al, US 6,157,620.

Pahlavan, "Wireless Intraoffice Networks", July 1988, ACM, Vol.6, No.3, pages 277-302.

23. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

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24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (703) 305-0438. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl
August 30, 2004

Wm. Jan L.
8/30/04